

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KASEY CARROLL,

Plaintiff,

v.

AGENT OF THE STATE, et al.,

Defendants.

Case No. 2:24-cv-01348-CDS-EJY

REPORT AND RECOMMENDATION

Plaintiff commenced this action on July 22, 2024 with an application to proceed *in forma pauperis* (“IFP”) and Complaint. ECF Nos. 1, 1-1. The Court screened these filings and recommended dismissing the IFP as moot and Complaint without prejudice so Plaintiff could proceed with a habeas petition in state court. ECF No. 3. Plaintiff filed an Amended Complaint on August 2, 2024 that was illegible and dismissed with leave to amend, and then a second amended complaint on August 22, 2024. ECF Nos. 6, 7, 12. The Court dismissed Plaintiff’s Second Amended Complaint against LVMPD Officers Alatorre and Corsaro without prejudice with leave to file a third amended complaint as to these defendants only no later than October 7, 2024. ECF No. 16. The Court recommended dismissing Plaintiff’s claims against Eighth Judicial District Court Judge Christy Craig, Clark County Public Defender Arlene Heshmati, and expert witnesses Mark Brattin and Melinda Stephens Ramirez with prejudice. *Id.*

On October 7, 2024, the District Judge adopted the recommendation in ECF No. 16 confirming Plaintiff had until October 7, 2024 to file a third amended complaint only naming Defendants Alatorre and Corsaro. ECF No. 18. The District Judge further ordered Plaintiff to file a change of address no later than October 21, 2024. *Id.* Thereafter, the Court directed Plaintiff to “show cause, in writing, no later than October 31, 2024, why this matter should not be dismissed in its entirety” for failure to comply with the Court’s Order to file a Third Amended Complaint. ECF No. 20. As of the date of this Recommendation, Plaintiff has not updated his address or filed a third amended complaint.

1 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's action be DISMISSED
2 without prejudice for failure to comply with the Court's Orders.

3 DATED this 4th day of November, 2024.

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5 ELAYNA J. YOUCHAH
6 UNITED STATES MAGISTRATE JUDGE

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8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
10 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
11 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
12 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
13 held that (1) failure to file objections within the specified time and (2) failure to properly address
14 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
15 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
16 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).